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EXAMINER	
VIZVARY, GERALD C	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/773,642	SGAMBATI ET AL.	
	Examiner	Art Unit	
	GERALD C. VIZVARY	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/3/2004, 2/23/2007 & 4/5/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Introduction

The following is a non-final office action in response to the communications received on 2/6/2004. Claims 1-17 are now pending in this application.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 8/3/2004, 2/20/2007 & 4/5/2007 were considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Bozeman 6,754,640 B2.

As per claim 1, Bozeman 6,754,640 B2 teaches a method of populating an account-owner verification database comprising:

(a) collecting participant data elements from one or more participant institutions, the participant data elements associated with one or more participant accounts in the participant institutions, and each participant data element also corresponding to a data element field in the database ("first instruction means for permitting a payer who executes a check for payment to enter and store check register information relating to the executed check in said database," Bozeman 6,754,640 B2 claim 1);

(b) collecting non-participant data elements from one or more non-participant institutions, the non-participant data elements associated with one or more non-participant accounts in the non-participant institutions, and each non-participant data element also corresponding to one of the data element fields in the database ("The preferred embodiment of this system is a universal positive pay check authorization service that can be used by both account holder members and non-members. The universal positive pay match, authentication, authorization, clearing and settlement system 10 will be accessed by all banks, depositors and account holders for issuing and tracking check data, signatures and matrixes at point of presentment, point of sale and point of payment of the item." Bozeman 6,754,640 B2 col. 5, lines 28-35); and

(c) populating the data element fields of the account verification database with the collected participant and non-participant data elements. ("The computerized method according to claim 21, further comprising the step of automatically polling a payer who executes a check daily in order to update check register information in said database daily." Bozeman 6,754,640 B2 claim 23)

As per claim 2, Bozeman 6,754,640 B2 teaches a method of claim 1 further comprising the step of:

(d) automatically and periodically updating the data element fields in the database with participant data elements from recently opened or recently maintained accounts in the participant institutions. ("The computerized method according to claim 21, further comprising the step of automatically polling a payer who executes a check daily in order to update check register information in said database daily." Bozeman 6,754,640 B2 claim 23)

As per claim 3, Bozeman 6,754,640 B2 teaches a method of claim 1 wherein step (c) further comprises organizing the participant and non-participant data elements according to account number. ("The universal positive pay match, authentication, authorization, clearing and settlement system 10 utilizes current check register information that includes a check number, a check amount, an account number, a routing number, a check date, signatures, digitized signatures and matrixes and a check payee." Bozeman 6,754,640 B2 col. 5, lines 49-54)

As per claim 4, Bozeman 6,754,640 B2 teaches a method of claim 3 wherein step (c) further comprises organizing the account numbers and their associated participant and non-participant data elements according to routing transit number. ("The universal positive pay match, authentication, authorization, clearing and settlement system 10 utilizes current check register information that

includes a check number, a check amount, an account number, a routing number, a check date, signatures, digitized signatures and matrixes and a check payee." Bozeman 6,754,640 B2 col. 5, lines 49-54)

As per claim 5, Bozeman 6,754,640 B2 teaches a method of claim 1 wherein step (b) further comprises extracting data elements from check images. ("These devices will also have the capability to have optical character recognition scanning to allow the customer 30 to scan the check that was just written, and or digitize the check." Bozeman 6,754,640 B2 col. 9, lines 3-6)

As per claim 6, Bozeman 6,754,640 B2 teaches a method of claim 1 wherein step (b) further comprises extracting data elements from check printing data. ("This DirectCheck software will run on MICR laser printers of various manufacturers and provide security features in printing on blank secure paper checks, official items, financial items and other documents. The TrackBack software would also be included in the DirectCheck software." Bozeman 6,754,640 B2 col. 14, lines 19-24)

As per claim 7, Bozeman 6,754,640 B2 teaches an account-owner verification database comprising:

a plurality of data element fields populated with participant data elements and non-participant data elements, wherein the participant data elements are collected from one or more participant institutions and the participant data

elements are associated with one or more participant accounts in the participant institutions ("The universal positive pay match, authentication, authorization, clearing and settlement system 10 will be accessed by all banks, depositors and account holders for issuing and tracking check data, signatures and matrixes at point of presentment, point of sale and point of payment of the item." Bozeman 6,754,640 B2 col. 5, lines 31-35); and

the non-participant data elements are collected from one or more non-participant institutions and the non-participant data elements are associated with one or more non-participant accounts in the non-participant institutions. ("The universal positive pay match, authentication, authorization, clearing and settlement system 10 utilizes current check register information that includes a check number, a check amount, an account number, a routing number, a check date, signatures, digitized signatures and matrixes and a check payee." Bozeman 6,754,640 B2 col. 5, lines 49-54)

As per claim 8, Bozeman 6,754,640 B2 teaches an account verification database of claim 7 wherein the data element fields are automatically and periodically updated with participant data elements from recently opened or recently maintained accounts in the participant institutions. ("The computerized method according to claim 21, further comprising the step of automatically polling a payer who executes a check daily in order to update check register information in said database daily." Bozeman 6,754,640 B2 claim 23)

As per claim 9, Bozeman 6,754,640 B2 teaches an account verification database of claim 7 wherein the participant and non-participant data elements are organized in the data element fields according to account number. ("The universal positive pay match, authentication, authorization, clearing and settlement system 10 utilizes current check register information that includes a check number, a check amount, an account number, a routing number, a check date, signatures, digitized signatures and matrixes and a check payee." Bozeman 6,754,640 B2 col. 5, lines 49-54)

As per claim 10, Bozeman 6,754,640 B2 teaches an account verification database of claim 9 wherein the account numbers and their associated participant and non-participant data elements are organized in the data element fields according to routing transit number. ("The universal positive pay match, authentication, authorization, clearing and settlement system 10 utilizes current check register information that includes a check number, a check amount, an account number, a routing number, a check date, signatures, digitized signatures and matrixes and a check payee." Bozeman 6,754,640 B2 col. 5, lines 49-54)

As per claim 11, Bozeman 6,754,640 B2 teaches an account verification database of claim 7 wherein the data elements are extracted from check images. ("These devices will also have the capability to have optical character recognition scanning to allow the customer 30 to scan the check that was just written, and or digitize the check." Bozeman 6,754,640 B2 col. 9, lines 3-6)

As per claim 12, Bozeman 6,754,640 B2 teaches an account verification database of claim 7 wherein the data elements are extracted from check printing data. ("This DirectCheck software will run on MICR laser printers of various manufacturers and provide security features in printing on blank secure paper checks, official items, financial items and other documents. The TrackBack software would also be included in the DirectCheck software." Bozeman 6,754,640 B2 col. 14, lines 19-24)

As per claim 13, Bozeman 6,754,640 B2 teaches a method of verifying information associated with transacting on an account, the method comprising:
(a) providing an account verification database, the database including account data corresponding to a plurality of data element fields and organized according to account number, the account data being obtained from participant and non participant institutions ("The universal positive pay match, authentication, authorization, clearing and settlement system 10 utilizes current check register information that includes a check number, a check amount, an account number, a routing number, a check date, signatures, digitized signatures and matrixes and a check payee." Bozeman 6,754,640 B2 col. 5, lines 49-54);
(b) entering, for an account to be verified ("The device will already have the customer's 30 account number and date preset, thus the data is entered into the device and a signal sent daily downloading the wireless check register of these wallet devices to the universal positive pay match, authentication, authorization,

clearing and settlement system 10." Bozeman 6,754,640 B2 col. 8, line 65-col. 9, line 3):

(i) an account number ("Information such as check amounts, coding, routing numbers, check dates, signatures, digitized signatures, matrixes and account numbers will be verified for a positive match." Bozeman 6,754,640 B2 col. 14, lines 39-42); and

(ii) at least one data element corresponding to the entered account number ("Alternatively, the customer 30 can initially set up an account number and enter an activation code or a preset encrypted code so that check register information can be transmitted to the database 20 and Web site by keying in the information by touchtone telephone, so that conventional decoder machines link the information to the database. Bozeman 6,754,640 B2 col. 6, lines 17-22);

(c) querying the account verification database ("A check query notice is sent to a payer 30 whenever their records are accessed and a deposit acceptance notice is sent to a payee 100 and payer 30 when a check is accepted." Bozeman 6,754,640 B2 col. 14, lines 19-24); and

(d) receiving a response from the database for each of the entered data elements, wherein the response corresponding to each entered data element is positive if the account data stored in the data element field corresponding to the entered account number matches the entered data element, respectively. ("The universal positive pay match, authentication, authorization, clearing and settlement system 10 will issue or accept digitized checks for clearing, matching, verifying and authenticating." Bozeman 6,754,640 B2 col. 14, lines 36-38)

As per claim 14, Bozeman 6,754,640 B2 teaches a method of claim 13 further comprising the step of:

(e) receiving a negative response from the database corresponding to each entered data element if the account data stored in the data element field corresponding to the entered account number does not match the entered data element, respectively ("If the check has been tampered with or if it is an unauthorized check number, the check will be rejected." Bozeman 6,754,640 B2 col. 5, lines 14-16)

As per claim 15, Bozeman 6,754,640 B2 teaches a method of claim 14 further comprising the step of:

(f) generating a report to the participant institution associated with the entered account number that the data element resulted in a negative response. ("Rejected checks cause considerable effort to be expended throughout the highly regulated banking system. A typical check passes from point of sale to depositing bank to the Federal Reserve or clearing bank and back to the account holder's bank and account. At each step, the check is read, sorted and recorded, forming a trail that can be easily traced." Bozeman 6,754,640 B2 col. 5, lines 19-25)

As per claim 16, Bozeman 6,754,640 B2 teaches a method of claim 13 further comprising the step of:

(e) receiving a neutral response from the database corresponding to each entered data element if the data element field corresponding to the entered account number does not contain any account data for the entered data element, respectively. ("The financial institution then researches the checks that do not match, correcting any encoding errors and any misreads and determines if the items are fraudulent. The financial institution pays only the real or true exceptions that can be reconciled with the customers' files." Bozeman 6,754,640 B2 col. 13, line 65-col. 14 line 2)

As per claim 17, Bozeman 6,754,640 B2 teaches a method of claim 13 wherein step (a) further comprises entering a routing transit number corresponding to the entered account number. . ("The universal positive pay match, authentication, authorization, clearing and settlement system 10 utilizes current check register information that includes a check number, a check amount, an account number, a routing number, a check date, signatures, digitized signatures and matrixes and a check payee." Bozeman 6,754,640 B2 col. 5, lines 49-54)

Conclusion

4. The following prior art is made of record and not relied upon is considered pertinent to applicant's disclosure:

Cornelius (US 6,629,081 B1) shows account settlement utilizing a network. First, a buyer is allowed to select from a group of options in order to settle an account utilizing a network. The options include settling a minimum balance, partially settling, settling a full balance, and applying for an import loan on payment due date. The selected option is then received utilizing the network. Finance interest may then be booked against the buyer for an unpaid portion of the account if the selected option includes either settling a minimum balance or partially settling. If the selected option includes settling a full balance, the account may be reconciled. On the other hand, if the selected option includes applying for an import loan on payment due date, an import loan may be booked and a credit line may be transferred to a trade loan line.

Higashiyama (US 5175682) shows method and structure are provided for processing checks in an extremely timely and cost-effective manner. A check recipient, such as a merchant, utility billing department, and the like, utilize hardware and software for quickly gathering data from checks received in order to allow prompt processing of those checks. Such hardware preferably includes a reader for reading the MICR account information printed on the check, and means for associating that data with information pertaining to the transaction at hand, including for example, the dollar amount of the transaction. This information is combined in a data record which is stored for future batch data transmission to a clearing house or the issuing bank itself. In an alternative embodiment, this data is communicated in real time to the clearing house or

issuing bank. In another embodiment, one or more selection criteria are used to determine which checks will be processed in real time, with the remaining checks being processed in the batch mode. For example, checks written above a threshold dollar amount, out of state checks, or any other high risk checks are processed in real time in order to minimize losses due to fraudulent check use.

Barnhard (US 5,265,007) shows a central check clearing association by which different member banks and financial institutions can each settle debit and credit balances with respect to other member institutions on a predetermined periodic basis.

Templeton (US 5,679,938) shows a check acceptance system provides interactive authorizations and off-line terminal approvals. A merchant uses an interactive transaction terminal to communicate with a check acceptance service's authorization host computer. The terminal acquires transaction data associated with a pending check transaction. The transaction data is analyzed to determine whether the transaction can be approved by the terminal. If so, an approval code is generated and a transaction packet including the transaction data and terminal approval code are stored in the terminal until subsequent communication with the host computer. If the pending transaction is not approved by the terminal, the transaction data is transmitted to the host computer. The host computer applies a risk scoring algorithm to the data to determine whether the transaction should be approved, declined, or whether additional information is

needed. If the transaction is approved or declined, a response packet including authorization indicia is transmitted to the terminal. If additional data is needed, the host computer transmits prompts to the terminal. The terminal displays the prompts and the merchant enters the requested data into the terminal. A new transaction packet including the original transaction data and the additional requested data is transmitted to the host computer, where it is approved or declined.

Weinflash (US 2003/0217003) shows a plurality of banks of first deposit provide checking account activity data for both transit items (checks received for deposit that need to be cleared) and incoming returns (bounced checks) to a statistical model which determines from the data the likelihood that a check from a specific checking account will be returned. This data is used to populate a database of checking accounts to be used for making check risk decisions, such as check hold policy decisions, check acceptance decisions, and open to buy decisions.

Dent (2002/0026396 A1) shows A data network comprising a plurality of computing devices and an innovative data server. The computing devices facilitate access to the network by a plurality of participants. The data server, coupled to the data network and responsive to the plurality of computing devices, includes a memory device to store at least one financial account for each of the plurality of participants, and an innovative financial transaction manager incorporating the teachings of the present invention. The financial transaction

manager is selectively invoked by participants to manage access to and manipulation of financial account assets to effect requested financial transactions with any network participant or non-participant.

Moenickheim (US 7,177,846 B2) shows a technique for confirming an association between a deposit account and an account holder. The technique includes receiving information identifying the deposit account and identifying the account holder. Other information associated with multiple deposit accounts, each maintained at one of multiple financial institutions, is accessed. The received information and the accessed information are then processed to authenticate the association between the account holder and the deposit account.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald C. Vizvary whose telephone number is 571-270-3268. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4268.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3696

Gerald Vizvary
Patent Examiner, A.U. 3609
February 12, 2008